

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF DURHAM, NORTH CAROLINA
MAKING CERTAIN STATEMENTS OF FACT
CONCERNING PROPOSED BOND ISSUE

WHEREAS, the City Council of the City of Durham, North Carolina (the “City Council”) is considering the issuance of bonds of the City of Durham, North Carolina (the “City”) which shall be for the following purposes and in the following maximum amount:

\$2,100,000 of bonds to pay the costs of improvements to the City’s streets and sidewalks, including new construction, repair or replacement of certain of the City’s streets and sidewalks.

\$9,645,000 of bonds to pay the costs of improvements to various public facilities.

\$3,100,000 of bonds to pay the cost of the acquisition of vehicles for use by the City.

WHEREAS, certain findings of fact by the City Council must be presented to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in Article 4 of Chapter 159 of the General Statutes, Section 52.

NOW, THEREFORE, BE IT RESOLVED that the City Council meeting in open session on the 2nd of April, 2012, has made the following factual findings in regard to this matter:

A. ***Facts Regarding Necessity of Proposed Financing.*** The proposed bonds are necessary and expedient in order to pay the capital costs of (1) improvements to the City’s streets and sidewalks, including new construction, repair or replacement of certain of the City’s streets and sidewalks, (2) improvements to various public facilities, and (3) acquisition of vehicles for use by the City.

B. ***Facts Supporting the Amount of Bonds Proposed.*** The sums estimated for these bonds are adequate and not excessive for the proposed purpose.

C. ***Past Debt Management Policies.*** The City’s debt management policies have been carried out in compliance with law. The City employs a full-time Finance Director to oversee compliance with applicable laws relating to debt management. The City Council requires annual audits of City finances. In connection with these audits, compliance with laws is reviewed. The City is not in default in any of its debt service obligations.

D. ***Past Budgetary and Fiscal Management Policies.*** The City’s budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the City Council before final approval of budget ordinances. Budget amendments changing a fund total or between funds are presented to the City Council at regular City Council meetings. The Finance Director presents financial information to City Council which shows budget to actual comparisons annually and otherwise as the City Manager deems necessary or as a member of the City Council may request.

E. ***Retirement of Debt.*** The schedule for issuing the bonds does not require a property tax increase. The schedule for issuance calls for issuing all of the bonds in the Fiscal Year ending June 30, 2013.

F. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

Yeas

Nays

**BOND ORDER AUTHORIZING THE ISSUANCE OF
\$2,100,000 STREET AND SIDEWALK BONDS
OF THE CITY OF DURHAM, NORTH CAROLINA**

WHEREAS, the City Council of the City of Durham, North Carolina deems it advisable to make the improvements hereinafter described; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act, and the Secretary of the Local Government Commission has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Durham, North Carolina, as follows:

Section 1. The City Council of the City of Durham, North Carolina has ascertained and hereby determines that it is necessary to make certain improvements to the City's streets and sidewalks, including new construction, repair or replacement of certain of the City's streets and sidewalks.

Section 2. In order to raise the money required to pay the costs of making the improvements described above, in addition to funds which may be available for such purpose from any other source, bonds of the City of Durham, North Carolina are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such Street and Sidewalk Bonds authorized by this bond order shall be \$2,100,000.

Section 3. A tax sufficient to pay the principal of and interest on said Street and Sidewalk Bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 5. No debt shall be contracted during any fiscal year by the issuance of bonds pursuant to this bond order if the amount of such debt and if all other debt contracted during such fiscal year shall exceed two-thirds (2/3rds) of the amount by which the outstanding indebtedness of the City shall have been reduced during the next preceding fiscal year, unless the incurring of such debt shall be submitted to a vote of the people of the City and shall be approved by a majority of those who vote thereon.

Section 6. This bond order shall take effect 30 days after its publication following its adoption, unless it is petitioned to a vote of the people within 30 days after its publication as introduced, as provided in N. C. G. S. Section 159-60, and in that event, the bond order will take effect when approved by the voters of the City.

**BOND ORDER AUTHORIZING THE ISSUANCE OF
\$9,645,000 PUBLIC IMPROVEMENT BONDS
OF THE CITY OF DURHAM, NORTH CAROLINA**

WHEREAS, the City Council of the City of Durham, North Carolina deems it advisable to make the improvements hereinafter described; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act, and the Secretary of the Local Government Commission has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Durham, North Carolina, as follows:

Section 1. The City Council of the City of Durham, North Carolina has ascertained and hereby determines that it is necessary to make certain improvements to various public facilities.

Section 2. In order to raise the money required to pay the costs of making the improvements described above, in addition to funds which may be available for such purpose from any other source, bonds of the City of Durham, North Carolina are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such Public Improvement Bonds authorized by this bond order shall be \$9,645,000.

Section 3. A tax sufficient to pay the principal of and interest on said Public Improvement Bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 5. No debt shall be contracted during any fiscal year by the issuance of bonds pursuant to this bond order if the amount of such debt and if all other debt contracted during such fiscal year shall exceed two-thirds (2/3rds) of the amount by which the outstanding indebtedness of the City shall have been reduced during the next preceding fiscal year, unless the incurring of such debt shall be submitted to a vote of the people of the City and shall be approved by a majority of those who vote thereon.

Section 6. This bond order shall take effect 30 days after its publication following its adoption, unless it is petitioned to a vote of the people within 30 days after its publication as introduced, as provided in N. C. G. S. Section 159-60, and in that event, the bond order will take effect when approved by the voters of the City.

**BOND ORDER AUTHORIZING THE ISSUANCE OF
\$3,100,000 PUBLIC VEHICLE BONDS
OF THE CITY OF DURHAM, NORTH CAROLINA**

WHEREAS, the City Council of the City of Durham, North Carolina deems it advisable to make the improvements hereinafter described; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act, and the Secretary of the Local Government Commission has notified the City Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Durham, North Carolina, as follows:

Section 1. The City Council of the City of Durham, North Carolina has ascertained and hereby determines that it is necessary to acquire vehicles for use by the City.

Section 2. In order to raise the money required to pay the costs of making the improvements described above, in addition to funds which may be available for such purpose from any other source, bonds of the City of Durham, North Carolina are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such Public Vehicle Bonds authorized by this bond order shall be \$3,100,000.

Section 3. A tax sufficient to pay the principal of and interest on said Public Vehicle Bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 5. No debt shall be contracted during any fiscal year by the issuance of bonds pursuant to this bond order if the amount of such debt and if all other debt contracted during such fiscal year shall exceed two-thirds (2/3rds) of the amount by which the outstanding indebtedness of the City shall have been reduced during the next preceding fiscal year, unless the incurring of such debt shall be submitted to a vote of the people of the City and shall be approved by a majority of those who vote thereon.

Section 6. This bond order shall take effect 30 days after its publication following its adoption, unless it is petitioned to a vote of the people within 30 days after its publication as introduced, as provided in N. C. G. S. Section 159-60, and in that event, the bond order will take effect when approved by the voters of the City.

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF DURHAM, NORTH CAROLINA CALLING A PUBLIC HEARING ON BOND ORDERS, DIRECTING PUBLICATION OF NOTICE OF SAID PUBLIC HEARING AND FILING OF A DEBT STATEMENT.

WHEREAS, bond orders entitled:

“BOND ORDER AUTHORIZING THE ISSUANCE OF \$2,100,000 STREET AND SIDEWALK BONDS OF THE CITY OF DURHAM, NORTH CAROLINA;”

“BOND ORDER AUTHORIZING THE ISSUANCE OF \$9,645,000 PUBLIC IMPROVEMENT BONDS OF THE CITY OF DURHAM, NORTH CAROLINA;”

“BOND ORDER AUTHORIZING THE ISSUANCE OF \$3,100,000 PUBLIC VEHICLE BONDS OF THE CITY OF DURHAM, NORTH CAROLINA;”

have been introduced at a meeting of the City Council of the City of Durham, North Carolina this April 2, 2012 and the City Council desires to provide for the holding of a public hearing thereon on April 16, 2012 and the submission of a statement of debt in connection therewith as required by the Local Government Bond Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Durham, North Carolina as follows:

1. The public hearing on said bond orders shall be held on April 16, 2012 at 7:00 p.m. in the City Council Chamber at City Hall, 101 City Hall Plaza, Durham, North Carolina.
2. The City Clerk is hereby directed to cause a copy of the bond orders to be published with a notice of such hearing in the form prescribed by law in a qualified newspaper no fewer than six days before such public hearing.
3. The City's Finance Director is hereby directed to file with the City Clerk before publication of the bond orders with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the City and the net debt of the City.
4. That this Resolution is effective on the date of its adoption.

Yeas

Nays

